



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting  
November 3, 2010**

The Delaware Thoroughbred Racing Commission held a regular meeting on Wednesday, November 3, 2010, at 10:00 AM, in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

**The following commission members were present:**

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary-Commissioner
Henry James Decker, Commissioner
Edward J. Stegemeier, Commissioner

**The following commission members were excused**

Debbie Killeen, Commissioner
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**The following individuals also were present:**

Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC, Executive Director
Frederick L. "Fritz" Burkhardt, DTRC, Associate State Steward
Robert E. Colton, Delaware Jockeys Association, Director
Bessie Gruwell, DTHA, Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, Owner/Trainer, DTHA, President
John E. Mooney, Delaware Park, Executive Director of Racing
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Veterinarian
Joseph Rudisill, Delaware Park, Senior Vice President of Compliance
Joseph Strug, Dalare Associates, Inc., Laboratory Director
Francis J. Swift, Jr., DTRC, Inspector
Paul Trapani, Owner/Trainer, DTHA Board Member
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME AND CALL TO ORDER**

At 10:34 a.m., Chairman Daney called the meeting to order and welcomed those in attendance.

*The Delaware Thoroughbred Racing Commission (DTRC) meeting was preceded by the Delaware Jockey's Health & Welfare Benefit Board (DJH&WBB) meeting that was adjourned at 10:15 a.m. and because of that the DTRC meeting was delayed until 10:34 a.m.*

2. **APPROVAL OF MINUTES**

Secretary/Commissioner Patterson submitted corrections to the record of October 19, 2010, as detailed below.

Upon a motion duly made (Patterson) and seconded (Stegemeier) minutes of October 19, 2010 were approved as corrected.

**October 19, 2010 DTRC meeting minutes – correction to the record:**

4. **NEW BUSINESS**

A. **Inflatable Vests**

Secretary/Commissioner Patterson reported that for some time now the steeplechase committee has been looking into them ~~and during recent competition some wore the inflatable vests which they found to be cumbersome.~~ *Actually, some riders wore the inflatable vests during the cross country phase of the World Equestrian Games; and the reference is altogether stricken.*

B. **Phenylbutazone**

Secretary/Commissioner Patterson reported that during an October 22, 2010 conference call, the Association of Racing Commissioners International (ARCI) passed a motion approving the reduction to 2 micrograms of Phenylbutazone.

3. **OLD BUSINESS**

A. **Exchange Wagering**

Commissioner Stegemeier asked Delaware Park general counsel, Mr. Michael Vild to comment on exchange wagering, and specifically how will our signal be effected by California's recent passage of exchange wagering.

Mr. Vild stated that he has no knowledge of people doing it; but knows that it happens (illegally) and doesn't know what effect it will have. If Delaware changes its constitution to allow exchange wagering, and Mr. Vild thinks it may be worthwhile for this commission to study it, it wouldn't be passed until January 2013. Mr. Vild said he expects we'll hear from BetFair – the largest in the world. If someone in Delaware is found to be participating in exchange wagering illegally, that person would be referred to the attorney general's office. Mr. Vild doesn't know if California exchange wagering includes account wagers and New Jersey is also considering exchange wagering; but he presumes if you set up an account and use it while in Delaware although it's illegal to place exchange wagering in Delaware theoretically if you're here at Delaware Park and place an exchange wagering bet on your account your breaking the law.

4. **NEW BUSINESS**

A. **2011 DTRC Proposed Meeting Dates**

Executive Director Wayne distributed the meeting calendar for 2011. Commissioner Stegemeier requested the start time for January 11, 2011 be moved to 10:00 a.m. and added a DJH&WBB meeting on February 15, 2011. The start time was also moved earlier to accommodate the DHRC that has their meeting scheduled for the same date and to allow Mr. Kerber to be able to attend both meetings. DHRC Administrator Hugh Gallagher made the change in time to the afternoon for the Harness Commission.

B. **Delaware Park 2010 Capital Budget**

Delaware Park Chief Operating Officer, Mr. Andrew Gentile submitted an updated 2010 Capital Budget.

5. **REPORT FROM EXECUTIVE DIRECTOR**

Mr. Wayne will submit November and December report at the January 11, 2011 meeting.

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Health Statistical Report**

Dr. Peters reported 3 fatalities during October 2010 – 2 were muscular skeleton in nature and 1 death of a horse coming back to the barn after a race and then we sent to New Bolton which reported the death was due to a heart attack.

3 training fatalities – 1 left hind pastern - 1 third carp - 1 right front sesamoid. Also, had a horse put down that had broken down at Penn National with fractured sesamoid. One plural pneumonia and one laminitis.

Our average is a “tick” higher but deaths due to muscular skeleton injury is down from last year.

Commissioner Decker remarked that we haven’t run this high an average and asked Dr. Peters to comment. Dr. Peters remarked that he thinks the track is good and vet services have been good – these things happen – we’ve only exceeded it one month for muscular skeleton injuries. Dr. Peters stated that he always worries about any increase and reminded the commission that we trend lower than the national average.

Mr. Wayne requested that Dr. Peters verify through the *Incompass* software database how the Penn National horse was recorded.

7. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN’S ASSOCIATION**

A. **Delaware Certified Thoroughbred Program Report**

Through October 31, 2010:

# of Starters	=	358	
# of Starts	=	1098	
1 <sup>st</sup> Place	=	138	
2 <sup>nd</sup> Place	=	170	
3 <sup>rd</sup> Place	=	139	
25% DCTP Earnings	=	\$683,405.00	
25% Certifier Awards	=	\$755,977.50	
Total Annual Awards		\$1,439,382.50	

Commissioner Decker remarked that he and Secretary Kee had discussed promoting agriculture and discussed piggy-backing with the DCTP to assist them. DTHA Executive Director, Ms. Bessie Gruwell confirmed that information.

8. **PUBLIC COMMENT**

Chairman Daney solicited public comment and called on the following attendees.

A. **Delaware Park, Executive Director of Racing, Mr. John E. Mooney**

Closing Saturday with strong card. Overall a good meet although he is disappointed with the numbers in October but when Keeneland opens it diminishes our numbers.

B. **Delaware Park, Vice President and General Counsel, Mr. Michael Vild**

Executive Director Wayne asked Mr. Vild if Perryville, Maryland, the new slot facility affected Delaware Park. Mr. Vild replied that the Perryville opening has resulted in lower slot play at Delaware Park.

C. **Dalare Associates, Inc., Laboratory Director, Mr. Jose Strug**

Dalare received payment for the first half of September which brings the current outstanding balance down to \$38,000.

Executive Director Wayne advised the commission that a meeting was held with DDA/Finance during which he suggested taking money out of the DTRC ASF holding account to pay Dalare invoices right away and then depositing back into the holding account monies remitted from Delaware Park. Mr. Wayne's suggestion was declined during that meeting with DDA/Finance.

Mr. Strug continued that he Racing Medication and Testing Consortium (RMTTC) came out with threshold recommendations.

D. **Delaware Jockey's Association, Director, Mr. Robert Colton**

Mr. Colton asked that Secretary/Commissioner Patterson and Executive Director Wayne keep in mind, while attending ARCI to discuss safety vests.

Mr. Colton remarked that inflatable safety vests have been banned mostly because the jockey is tied to horse and requires 77lbs of pressure to release safely and sometimes you can't exact that much force and by being tied to the horse injury risk is increased.

E. **DTRC Chief State Steward, G. Jack Houghton, Jr.**

Mr. Houghton thanked the commission and Delaware Park for a good year

9. **RULES & REGULATIONS**

A. **Shock Wave**

Commissioner Stegemeier inquired if we want to change the shock wave rule from 10 days to 7 days – Executive Director Wayne suggested a survey of jurisdictions before considering a change. Mr. Wayne added that the current 10 day recovery period is a Delaware Park house rule and a Commission regulation. Modification of that rule would require a public hearing.

B. **Phenylbutazone**

Commissioner Decker inquired if we do a rule change in January 2011 for Phenylbutazone level change from our current at 2.5 to the new ARCI threshold level of 2.0 – Mr. Patterson concurred and the commission will discuss at its January meeting.

C. **Wish List**

Commissioner Decker asked that a wish list be prepared for review at the January meeting. Included would allow for drug violation penalty up to the amount of the purse. Commission Counsel Kerber confirmed that he and Executive Director Wayne have been working on list for review at the January meeting. Included in the list was a re-structured license fee. Mr. Wayne will re-send e-mail draft to Mr. Decker.

**10. EXECUTIVE SESSION**

At 11:30 a.m. upon a motion duly made and seconded, the meeting was moved into executive session to discuss personnel matters and investigations.

At 12:01 p.m., upon a motion duly made and seconded, the commission was moved back to public session.

**11. ADJOURN**

Upon a motion duly made and seconded, the meeting was adjourned at 12:04 p.m.

The commission will meet next on January 11, 2011 at the Dept. of Agriculture building in Dover, Delaware.